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Docket No.: M&N-IT 2

04-22-02

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20231:

By: 

Date: April 3, 2002

MP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Karl Joachim Ebeling et al.

Appl. No. : 10/047,613

Filed : January 15, 2002

Title : Vertical Laser Diode with Means for Beam Profile Forming

AMENDMENT IN RESPONSE TO NOTICE OF MISSING PARTS OF
NONPROVISIONAL APPLICATION

Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

Sir:

Responsive to the Notice to File Missing Parts dated March 15, 2002, applicants request herewith an amendment to the page numbers of the aforementioned application filed on January 15, 2002 in the German language. Page 11 of the original German specification was inadvertently omitted.

Pursuant to option (III) of the Notice to File Missing Parts, applicants now request that the pages originally submitted be renumbered to reflect this omission. The pages of the German specification should now be numbered 1-13 rather than 1-14.

It is noted that the missing page 11 contained only a list of reference numerals, all of which are present and explained in the remainder of the text. Therefore, the subject matter of the application was complete as filed.

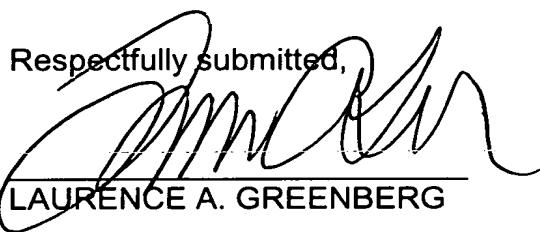
Please note that the signed declaration was submitted to the Patent Office with a mailing certificate and the surcharge of \$130.00 on March 20, 2002. The certified English translation was submitted to the Patent Office with a mailing certificate and a preliminary amendment on February 20, 2002.

Applicants herewith include the fee for the certified English translation in the amount of \$130.00. Please charge any additional fees that may be necessitated to the Deposit Account of Lerner & Greenberg, P.A., No. 12-1099.

In view of the foregoing, it is believed that the requirements as stated in the Notice to File Missing Parts of Nonprovisional Application have been fulfilled. An early office action on the merits is requested.

Applicants have enclosed a copy of the original specification which reflects the renumbered pages.

Respectfully submitted,



LAURENCE A. GREENBERG

REG NO. 29,308

Date: April 3, 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/047,613	01/15/2002	Karl Joachim Ebeling	M&N-IT 213



LERNER AND GREENBERG, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480

05/20/2002 SSALEEKU 00000028 10047613
Ss to Ref: 00000029 Dated: 121099 10047613
01 FC:122 130.00 CH

CONFIRMATION NO. 5759

FORMALITIES LETTER



OC000000007651933

05/20/2002 SSALEEKU 00000028 10047613

01 FC:122 130.00 CH Date Mailed: 03/15/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

04/09/2002 YPOLITE1 00000026 10047613

01 FC:129

130.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- **The balance due by applicant is \$ 260.**
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

The following item(s) appear to have been omitted from the application:

RECEIVED MAR 22 2002

- Page(s) 11 of the specification (description and claims).

Adjustment date: 05/20/2002 SSALEEKU
04/09/2002 YPOLITE1 00000027 121099 10047613
01 FC:105 130.00 CH

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must be filed within TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

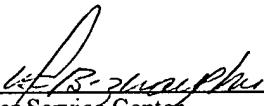
II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must be filed within TWO MONTHS** of the date of this Notice.

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III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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300
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100
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